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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/885,698 06/30/97 GORDON

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EXAMINER

TM02/0717

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NGUYEN, C  
ART UNIT PAPER NUMBER

2664  
DATE MAILED:

07/17/01

78

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

<b>Office Action Summary</b>	Application No. <b>08/885,698</b>	Applicant(s) <b>Gordon</b>	
	Examiner <b>Steven Nguyen</b>	Art Unit <b>2664</b>	

**– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)  Responsive to communication(s) filed on Apr 27, 2001

2a)  This action is FINAL.      2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle* 1035 C.D. 11; 453 O.G. 213.

**Disposition of Claims**

4)  Claim(s) 1, 4-10, and 12-23 is/are pending in the application.

4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1, 4-10, and 12-23 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

11)  The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved.

12)  The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. § 119**

13)  Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

a) All b) Some\* c) None of:

1.  Certified copies of the priority documents have been received.
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

14)  Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

**Attachment(s)**

15) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	18) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____
16) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	19) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
17) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____	20) <input type="checkbox"/> Other: _____

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## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 19-23 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claim 19, lines 7-8 and 11, the recitation “encoded audio data packets”.

Claim 19, lines 2, 10, and 16, claim 21, lines 3, claim 21, lines 22 and claim 23, lines 2, the recitation “monitoring station”.

### ***Response to Amendment***

3. The amendment filed 3/28/2000 is objected to under 35 U.S.C. 132 because it introduces new matter into the disclosure. 35 U.S.C. 132 states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows:

Claim 19, lines 7, 8, and 11, the recitation “encoded audio data packet”.

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Claim 19, lines 2, 10 and 16, claim 21, lines 3, claim 21, lines 22 and claim 23, lines 2, the recitation “monitoring station”.

Page 7, line 30, the recitation “monitor”.

Page 8, line 9, the recitation “monitoring station”.

Page 8, line 11, the recitation “encoded”.

Applicant is required to cancel the new matter in the reply to this Office action.

4. This action is in response to the amendment filed on 6/10/98. Claims **2-3 and 11** have been canceled and claims 1, 4-10, and 12-23 are pending in the application.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 4-9 and 12-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over McHale (USP 6014431) in view of Anderson (USP 6064673).

As claims 1, 4-9 and 12-23, McHale discloses an apparatus which includes a remote system (Fig 1) which including a converter (Fig 1, Ref 50 for splitting telephone signals into a data and audio signals and implicitly providing matching impedance) for splitting the telephone signals for providing an audio output signal. However, McHale does not disclose an interface

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machine for receiving an audio signal and providing a network audio signal for transmitting via WAN by using a first sound mechanism and local system having second sound mechanism for processing received a network audio signal into a continuous audio signal. In the same field of endeavor, Anderson discloses an interface machine (Fig 1 is a computer has an analog line interface codec for converting a transmission signal into packets by using a sound mechanism for transmitting via WAN 104 to another computer having a sound mechanism for processing the network audio packet) for processing a received telephone signal into a network audio signal for transmitting via WAN (Fig 1, Ref 32b) and a local system (Col 5, lines 5-8) being a multimedia computer with a sound processing software for converting a network audio signal into a continuous audio signal) having second sound mechanism for processing received network audio signal into a continuous audio signal and an automated attendant system for gathering the information (See col 5, lines 46-55).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to integrate a gateway for processing a telephone signal into a network audio signal for transmitting via WAN as disclosed by Anderson's communication system into Mchale's communication. The suggestion/motivation would have been to reduce the cost of long distance between the users. Even without, Anderson's teaching one of ordinary skill in the art would have known how to converting a telephone signal into a network audio signal because this method is well known in the art and public uses such as vocaltec software for using with a sound card.

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7. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over McHale and Anderson as applied to claim 8 above, and further in view of Bartholomew (USP 6122255).

As claim 10, McHale fails to disclose a computer for generating a voice signal. However, Bartholomew discloses a computer having a modem for generating a transmission signal to a remote system (See Fig 4, Ref 60 and 64).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to replace a computer having a modem for transmitting a voice signal to an Internet gateway as disclosed by Bartholomew into McHale's communication system. Even without, Bartholomew's teaching, one of ordinary skill would have known how to integrate a telephony computer into McHale's communication system. The motivation would have been to reduce long distance cost between the users.

#### *Response to Arguments*

8. Applicant's arguments filed 5/2/2001 have been fully considered but they are not persuasive.

Page 1 of the response, the applicant states the term "listen" and "monitor" are the same (1) and Real Audio by progressive network is inherently disclosed encoded audio signal (2). In reply, with respect to (1), the term "listen" means someone is listening to something. The term "monitoring" means a system is monitoring the quality of audio signal between two computers. The means of these terms are completely different from each other. Therefore, the term

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“monitor” introduces a new matter the claims and the specification. With respect to (2), the Real audio by progressive network only produces a packetized audio packet. This software does not produce an encoded audio data packet as disclosed in the specification because the step of encoding happens after the voice signal is packetized by Real Audio of progressive network. Therefore, the term “encoded” introduces a new matter in the claim and specification.

*Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven Nguyen whose telephone number is (703) 308-8848. The examiner can normally be reached on Monday through Friday from 7:30 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin, can be reached on (703) 305-4366.

The fax phone number for this group is (703) 872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-4700.



STEVEN H. D. NGUYEN  
Art Unit: 2664  
July 14, 2001